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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

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I. INTRODUCTION

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law, with the following main purposes:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. At its forty-fifth session, the General Assembly adopted the programme for the activities to be commenced during the first term (1990-1992) of the Decade (resolution 45/40 of 28 November 1990) which was followed by a programme for the second term (1993-1994) (resolution 47/32 of 25 November 1992), and for the third term (1995-1996) (resolution 49/50 of 9 December 1994), hereinafter referred to as the programme.

3. In its resolution 50/44 of 11 December 1995, the General Assembly, inter alia, invited all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they had undertaken in implementation of it, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade; invited the International Committee of the Red Cross to continue to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict; requested the Secretary-General to submit, on the basis of such information as well as of new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a report to the Assembly at its fifty-first session on the implementation of the programme; expressed its appreciation to the Secretary-General for the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, and requested the Secretary-General, within existing resources, to make the proceedings widely available; strongly welcomed the recent advances made by the Treaty Section of the Office of Legal Affairs of the Secretariat in its programme of computerization of the Multilateral Treaties Deposited with the Secretary-General and the United Nations Treaty Series and looked forward to the early effective availability of the former on the Internet and the latter on-line to Member States and other users; and encouraged the Office of Legal Affairs to continue its efforts to bring up to date the publication of the United Nations Treaty Series and the United Nations Juridical Yearbook.

4. By a note dated 8 January 1996, the Secretary-General invited Governments to submit information on the implementation of the programme or any views on possible activities for the next term of the Decade. A similar request was transmitted by letters dated 26 January 1996 and 7 February 1996 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 25 July 1996, replies had been received from Chile, Norway and Turkmenistan. Relevant information had also been received from: International Institute of Humanitarian Law, Organization for Security and Cooperation in Europe (OSCE), United Nations Institute for Training and Research (UNITAR), International Labour Organization (ILO), United Nations International Drug Control Programme (UNDCP), Permanent Court of Arbitration (PCA), International Committee of the Red Cross (ICRC), United Nations Environment Programme (UNEP), United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization of the United Nations (FAO), International Court of Arbitration of the International Chamber of Commerce (ICC), Commonwealth of Independent States (CIS), Inter-American Court of Human Rights, European Court of Human Rights, Court of Justice of the European Communities, Council of Europe, United Nations Industrial Development Organization (UNIDO), World Trade Organization (WTO), International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), International Bar Association (IBA), the World Federalist Movement (WFM) and the Hague Academy of International Law.

6. The information received from States and organizations working in the field 1/ are analytically summarized in section II of the present report under five headings, corresponding to the five main sections of the Decade's programme.

7. Section III of the present report contains information on recent activities of the United Nations in the field of progressive development of international law and its codification.

II. ANALYTICAL PRESENTATION OF INFORMATION RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties*

8. The Cabinet of Ministers of Turkmenistan are considering the advisability of acceding to the following conventions: the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards; the 1980 United Nations Convention on Contracts for the International Sale of Goods; the 1974 Convention on the Limitation Period in the International Sale of Goods; and the 1951 Convention relating to Status of Refugees.

9. UNDCP continued to prepare a monthly report on the status of adherence to the international drug control treaties as well as an annual report on the status of reservations, declarations and understandings entered under those treaties.

10. Following the World Summit on Social Development (1995) and the discussions which took place during the ILO's 75th Anniversary (1994), the Director-General of ILO invited the Governments of all countries which had not yet ratified seven fundamental human rights conventions, to state what their intentions were in this connection. By the beginning of the 83rd Session of the International Labour Conference (June 1996), 14 new ratifications of these conventions and more than 30 assurances of an intention to ratify one or more of them had been received. This initiative would continue in the future.

11. The progress made with respect to the new cooperation agreements proposed in 1994 to member States of FAO, namely, the agreements on the use of experts for technical cooperation among developing countries (TCDC), and among the countries in transition in Eastern and Central Europe (TCDT), was indicated. Seventy-five Governments signed the TCDC Agreement, and the Organization received more than 3,700 offers of service. Six Governments signed the TCDT agreement, and 122 applications had been received.

12. The number of Contracting States to the Convention on International Civil Aviation (Chicago Convention) establishing ICAO reached 184 when Palau deposited

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* Under paragraph 2 of this section of the Programme, States were invited to consider, if they had not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties were concluded were invited to indicate whether they published periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they did not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which had not achieved wide participation or entered into force after a considerable lapse of time and the circumstances causing this situation.

an instrument of adherence on 4 October 1995. As of 30 May 1996, the number of parties to the International Air Services Transit Agreement had risen to 110. By 30 May 1996, the Protocol on the Authentic Trilingual Text of the Chicago Convention, adopted at Buenos Aires on 24 September 1968, had been in force for 140 States. The amendments to the Chicago Convention received more ratifications but the number of ratifications was not sufficient to bring any of them into force. Special efforts had been made, through organization of seminars and other means, to expedite the entry into force of the amendment introducing Article 83 bis on lease, charter and interchange of aircraft in international operations (adopted on 6 October 1980). As of 30 May 1996, there had been 91 ratifications. With respect to international air law instruments other than the Chicago Convention, the three aviation security conventions had been widely accepted: there were 158 parties to the Convention on Offences and Certain other Acts Committed on Board Aircraft (signed on 14 September 1963) and to the Convention for the Suppression of Unlawful Seizure of Aircraft (signed on 16 December 1970), and 159 parties to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (signed on 23 September 1971). The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971 (signed on 24 February 1988; in force as of 6 August 1989) had received 65 ratifications and adherences as of 30 May 1996, compared to 51 in 1994. The Convention on the Marking of Plastic Explosives for the Purpose of Detection (signed on 1 March 1991), which would enter into force when ratified by 35 States including 5 producer States, had received 22 ratifications as of 30 May 1996, compared to 10 in 1994. In view of the slow progress of ratification of other international air law instruments, the ICAO Council decided on 5 June 1996 during its 148th Session to refer to the Legal Committee certain issues and options for further studies in order to remedy the situation. One of the options considered was the possibility for States parties to certain international air law instruments to apply them provisionally pending their entry into force in accordance with article 25 of the Vienna Convention on the Law of Treaties. Items under the plan of administrative action to stimulate ratification to be prepared by the Legal Bureau of ICAO would include organization of regional seminars, improvement of communication between ICAO and the States that had not ratified relevant instruments, and preparation of package of reference material to assist those States which needed more information for the ratification process.

13. In May and November 1995, UNEP called on States that had not yet done so to sign, ratify or accede to those conventions and protocols in the field of the environment to which they were eligible to become parties. UNEP continued to promote adherence by African countries to the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. By the end of May 1996, three countries had ratified or acceded to the Agreement and one more ratification or accession was awaited for its entry into force. UNEP continued wide dissemination of information on international law in the field of the environment. Its most recent report on the status of international conventions and protocols in the field of the environment had been transmitted to the General Assembly at its fiftieth session. An updated report would be prepared for the nineteenth session of the Governing Council to be held in January/February 1997. By the end of May 1996, chemical industry associations

in the European region and Japan, as well as a scientific non-governmental organization had notified UNEP of their intention to adhere to the Code of Ethics on the International Trade in Chemicals. Since August 1994, UNEP has been inviting industry and other private sector parties to apply the Code setting out the standards of conduct for such private sector parties for enhancing safety of chemicals traded internationally through their entire life cycle.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

14. The International Maritime Law Institute (IMLI) had been established by IMO in collaboration with the Government of Malta as an answer to the need for training lawyers on the implementation of IMO treaties and recommendations into national legislation. It provided some 20 students at a time with a comprehensive course in international maritime law lasting for one full academic year and leading to a master's degree. The Institute completed its seventh course in June 1996. IMLI's course structure included a section dealing with the international machinery for the progressive development and codification of international maritime law. The course focused mainly on the implementation of international maritime law and the preparation of legislation and legal texts in the field of merchant shipping.

15. UNDCP continued to provide a wide range of legal services in assisting States to become Parties to and in effectively implementing the international drug control conventions. It had been advocating the adoption of adequate drug control legislation, advising on adjusting national laws as well as policies and infrastructure to implement the requirements of the conventions, helping in drafting new or amended laws and providing post-adoption advice for implementation. In 1995, UNDCP had provided legal assistance to 17 States. A set of model laws covering all requirements of the three drug control treaties had been prepared to support legal assistance to States from both the common law and the Roman-German systems. UNDCP had been also collecting national drug control laws and regulations, publishing them to ensure mutual disclosure among the Parties to the drug control conventions and preparing an annual analytical index of this legislation to allow for the easy retrieval of the laws' contents. Tools prepared by UNDCP for the implementation of the conventions also included an annual directory, listing national authorities competent to take action under specific articles of the conventions, such as article 7 on mutual assistance and article 17 on illicit traffic by sea of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. A meeting of a Working Group on Maritime Cooperation had been convened at Vienna

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* Under paragraph 3 of this section of the programme, States and international organizations were encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

in September 1994 and in February 1995 to develop a comprehensive set of principles and specific recommendations to enhance, on a global basis, the implementation of article 17 of the 1988 Convention. Its recommendations had been endorsed by the Commission on Narcotic Drugs at its thirty-eighth session, in resolution 8 (XXXVIII). Pursuant to Economic and Social Council resolution 1993/42 entitled "Measures to assist in the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988", UNDCP had been preparing a commentary on that convention, in order to provide States with a uniform interpretation of the 1988 Convention as well as with practical recommendations for its implementation.

16. The activities of the Office for Democratic Institutions and Human Rights (ODIHR) of OSCE whose aim was to promote better awareness of international law and standards, concentrated on international humanitarian law. ODIHR provided legal assistance in the process of drafting constitutions to the Republic of Moldova, Tajikistan, Georgia, Armenia and Albania thus facilitating their future adherence to international standards.

17. The multidisciplinary teams of ILO had been deployed in 14 different offices around the world to facilitate the adherence of developing countries to international labour conventions and their implementation of those instruments in the framework of a broader plan known as the "Active Partnership Policy" which was expected to bring the Organization closer to constituents in member States.

18. On 2-3 November 1995, FAO hosted and co-sponsored jointly with the Observatoire du Sahara et du Sahel an Expert Consultation of participants from Algeria, Libya, and Tunisia on the legal and institutional aspects of the management and development of the Northern Sahara Groundwater Aquifer. The Arab Center for the Studies of Arid Zones and Dry Lands (ACSAD) also participated. The participants approved a short-term programme of action designed, inter alia, to harmonize the laws and other legislative instruments dealing with water resources.

19. UNIDO published a Manual on Technology Transfer Negotiations and Licensing. This Manual offered a comprehensive approach to the range of subjects likely to confront government officials, entrepreneurs and decision makers in the various phases of the technology transfer process leading to the conclusion of a contract. It represented a valuable legal tool for both developing and developed country enterprises. Based on its mandate to assist developing countries in the industrialization process, UNIDO had taken also the initiative of preparing Guidelines for the Development, Negotiation and Contracting of Guild-Operate-Transfer (BOT) Projects, intended to provide a general overview of the conceptual, legal, contractual and financial issues associated with BOT projects and practical guidance for their development, negotiation and implementation. UNIDO had been also providing technical assistance to individual countries in setting up their legislative frameworks, arranging standard contractual arrangements suited to their own policy and regulatory environments and to actual BOT projects.

20. UNEP continued to provide developing countries and countries with economies in transition with technical assistance, in the form of legal advice, for

assisting Governments in enhancing national environmental policy, legislation and institutions and in building capacity in implementing international environmental agreements. UNEP provided, within available resources, financial support for government officials of such countries to participate in the negotiation and development of international environmental agreements. Such assistance had been provided to participants from those countries in the intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its first session in Brussels in March 1996. UNEP also continued to provide administrative support to the secretariats of international environmental agreements concluded under its auspices, as its contribution to the effective implementation of those agreements. In October 1995, UNEP, as the interim secretariat of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora convened an expert meeting to prepare the operational rules for a Task Force of wildlife enforcement officers established under the Agreement. The revised document had been scheduled to be submitted to the first meeting of the Conference of the Parties to the Agreement expected to take place after its entry into force. Between July 1995-May 1996, UNEP convened three meetings on coordination of secretariats of environmental conventions. The purpose of such meetings had been to further facilitate functions of the secretariats of the conventions through such coordination, and in particular promote the effective implementation of the conventions. UNEP also convened a regional meeting on military activities and the environment in Linköping, Sweden in June 1995, in cooperation with the United Nations/ECE and hosted by the Government of Sweden. Participants to the meeting included experts from military and environment sectors from 32 ECE member States and a NATO representative. UNEP initiated empirical studies on mechanisms of implementation and compliance with environmental conventions, environmental dispute avoidance and settlement and trade measures in multilateral environmental agreements. In this context, UNEP, in May 1996, convened an expert meeting on implementation of environmental agreements which discussed experiences in the implementation of various environmental conventions and recommended concrete means and mechanisms to improve compliance.

21. ICRC continued its work aimed at clarifying the content of humanitarian law and ensuring that it was adapted to the conditions of modern warfare; making particular emphasis on the applicability of international humanitarian law to United Nations peacekeeping and enforcement operations, rules applicable to war at sea, and the prohibition of anti-personnel mines and blinding laser weapons. In pursuance of one of the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims, ICRC set up an Advisory Service on International Humanitarian Law, which States could consult for advice on any measure pertaining to the implementation of humanitarian law. In addition, ICRC increased its endeavours and improved its methods for the dissemination of international humanitarian law. In February 1996, ICRC hosted a seminar of military experts to consider, inter alia, the extent to which it had been possible, in actual armed conflicts, to use anti-personnel mines in accordance with humanitarian law. The conclusions were contained in Friend or Foe? The Military Use and Effectiveness of Anti-personnel Mines. A symposium of medical experts on the effects of weapons, held in March 1996, considered also possible medical criteria for establishing that a particular weapon might cause

superfluous injury or unnecessary suffering. A report of the proceedings was forthcoming. ICRC created a new unit within its Legal Division, the Advisory Service on International Humanitarian Law, aimed at providing specialist legal advice to Governments on the implementation of international humanitarian law. Bilateral contacts between the Service and relevant government authorities as well as seminars, bringing together representatives of national authorities had proven a useful method in this area. Ongoing research in examining the adequacy of existing national measures and, where appropriate, identifying suitable model legislation was also engaged. An Advisory Service Documentation Centre had been set up to promote and facilitate the exchange of information. It was open to government officials, National Societies, interested institutions and researchers so as to make available a wide range of legal material relevant to national implementation. The relevant laws and regulations would be introduced in a database to be published in an updated version of the ICRC's CD-Rom on International Humanitarian Law.

22. On 5 December 1995, IBA launched its Human Rights Institute (HRI) with South African President Nelson Mandela as its Honorary President. HRI intended to develop and expand IBA's work in promoting the rule of law (nomocracy), improving legal systems, access to justice and the independence of lawyers and judiciary worldwide. Since the launch of HRI in December 1995, the IBA President had written to Heads of States and officials protesting at human rights violations in eight States. IBA had also sent observers to trials of cases where issues concerning the independence of the judiciary and other important aspects had been raised. IBA sent surveys to its members on the independence of the Bar and women's rights. As a united body of international lawyers - IBA represented in total more than two million lawyers - IBA had both the tools to challenge the non-implementation of relevant international conventions and the influence to pressurize frequent offenders. A programme of workshops and conferences had been launched with a meeting in Mexico City on 12 March 1996. HRI was carrying out surveys on the independence of bar associations, rights of suspects and accused persons and on miscarriages of justice. Once analysis had been completed each of these surveys would lead to the drafting by HRI of model standards. IBA provided assistance and technical advice to the Bars of developing countries to facilitate their country's participation in the process of multilateral treaty making. Seminars for developing bars were held on a regular basis prior to IBA main conferences. Ambassador Emilio J. Cárdenas, a member of IBA's Management Committee, published in International Bar News for May 1996 (at page 10) an article on the "Role of the United Nations in the future of Human Freedoms".

23. The International Bureau of PCA continued to encourage States to become parties to the Hague Conventions of 1907, by distributing information on PCA, and by inviting senior officials of interested Governments to visit the International Bureau, particularly during meetings of the Steering Committee. The response to these invitations had been encouraging.

24. The Court of Arbitration of ICC continued to advise and assist Governments throughout the world in adapting their arbitral legislation to the requirements of modern international arbitration practice, and also continued to promote international arbitration. The ICC Court co-sponsored the Willem C. Vis International Commercial Arbitration Moot Competition held in Vienna involving

some 40 law schools from 19 different countries. The 1997 Competition would be based on the ICC Rules. ICC also indicated that 15 requests had been filed with its Centre for Expertise last year, including 7 requests for the proposal of experts.

3. Ways and means of implementation of multilateral treaties*

25. The following draft laws on the rights of refugees and migrants and on migration had been submitted to the Cabinet of Ministers of Turkmenistan: draft law on refugees; draft law on migrants; draft law on emigration; and draft law on immigration. Its legislation was also being brought into conformity with international norms.

26. UNDCP continued to closely monitor the implementation of the drug control treaties. It was issuing annual questionnaires to States on the legislative, administrative and operational steps taken by them to implement the treaties. The results had been summarized and reviewed by the Commission on Narcotic Drugs.

27. The Office for Democratic Institutions and Human Rights (ODIHR) of OSCE organized the implementation Meeting (Warsaw, October 1995). The ODIHR prepared a report on the implementation of commitments within the OSCE participating States, which had been distributed to all delegations of the OSCE countries. Part of this report had been dedicated to the international humanitarian law. The problems identified had been: attacks on civilians, ethnic cleansing, mistreatment of prisoners of war and wanton destruction and appropriation of property.

28. The Commonwealth of Independent States (CIS), considering international law as a means of developing international relations and cooperation, confirmed its intention to maintain very close contacts with international organizations and different countries to ensure its effective use, respect and wide recognition.

29. The European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 had been ratified by 33 member States of the Council of Europe. Protocol No. 11 to the Convention, which had been opened for signature in May 1994, had provided for the setting up of a single permanent court in the place of the present enforcement machinery of the Convention. It would come into force when all Contracting States to the Convention have ratified it. To date, 21 out of 33 Contracting States had done so. Under the present system

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* Under paragraph 4 of this section of the programme, States were encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they were parties, regarding the implementation of such treaties. International organizations were similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General was requested to prepare a report on the basis of that information and to submit it to the General Assembly.

three international bodies had been entrusted with the task of interpreting and applying the Convention: the European Commission of Human Rights; the European Court of Human Rights and the Committee of Ministers of the Council of Europe. Applications against a State having ratified the Convention could be lodged with the Commission either by another Contracting State or by a person, non-governmental organization or group of individuals. In the first five months of 1996 the Court delivered 21 judgements finding a violation of the Convention in 12 of them and no violation in 7. The Court, and particularly the President, had been involved in the implementation of the "Dayton Agreement" for peace in Bosnia and Herzegovina. On 8 March 1996 the President appointed three members to the Commission for Displaced Persons and Refugees set up under Annex 7 to the Agreement. His appointment of members of the Constitutional Court for Bosnia and Herzegovina to be set up has been scheduled to take place in the autumn.

30. ICRC had been highly interested and actively involved in the developments regarding the repression of war crimes, a matter directly related to the implementation of international humanitarian law. The creation of the two ad hoc tribunals for Rwanda and the former Yugoslavia had been strongly welcomed by ICRC as a key contribution to the implementation of humanitarian law. ICRC took part in some of the meetings on the two ad hoc tribunals established by the Security Council and had constructive exchanges of views on the question of interpretation of humanitarian law. The 26th International Conference of the Red Cross and Red Crescent had taken place in Geneva from 3 to 7 December 1995. More than 1,200 delegates representing 143 States Signatories of the Geneva Conventions, 166 National Societies, the International Federation of Red Cross and Red Crescent Societies and the International Committee of the Red Cross participated in the Conference. The Conference adopted five resolutions by consensus, which inter alia: urged States to strengthen the implementation and dissemination of international humanitarian law; endorsed the proposal of a governmental group of experts to reinforce national measures and agreed that the Swiss authorities convene every two years an expert group to reinforce the respect of humanitarian law; urged States to increase international efforts to bring before courts and punish war criminals and those responsible for serious violations of international humanitarian law as well as to establish permanently an international criminal court; strongly condemned sexual violence, in particular rape during hostilities as a war crime, and under circumstances a crime against humanity; and urged the establishment and strengthening of mechanisms to investigate, bring to justice and punish all those responsible; recommended that parties to conflict refrain from arming children under the age of 18 years and take every feasible step to ensure that children under the age of 18 years do not take part in hostilities; and called upon States to respect the general prohibition of forced displacement of civilians and to ensure efficient and adequate access to internally displaced persons and refugees for neutral, impartial and independent humanitarian organizations, according to their respective mandates.

31. In March and October 1995, ICRC organized two meetings of experts from military and academic circles, former commanders of United Nations forces and officials from the services concerned at the United Nations Secretariat. The participants reviewed all the provisions of humanitarian law to determine their applicability to peacekeeping forces, and drafted a project of guidelines. This project had been reviewed jointly by the Office of Legal Affairs of the

Secretariat and ICRC, and a final text had been established in May 1996, setting out the content and scope of the "principles and spirit" of humanitarian law whereby the United Nations agreed to be bound, and listing a series of provisions covering the various categories of protected persons. The purpose of these Guidelines for UN Forces Regarding Respect for International Humanitarian Law was to specify the principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control, when in situations of armed conflicts (either international or non-international) they were actively engaged as combatants.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice*

1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States

32. No information has been received under this heading.

2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States

33. WTO had been actively involved in the settlement of disputes among its members. The WTO secretariat conducted, inter alia, a number of special training courses for interested members concerning the dispute settlement procedures so as to enable members' experts to become better informed in this regard.

34. IBA had been the repository of detailed information concerning alternative dispute resolution procedures and practice. Its Section on General Practice was organizing a Lockerbie Seminar to take place on 9 September 1996 in London which would focus on jurisdictions in international crimes. The Section on Business Law provided an international forum for litigators dealing with transnational cases around the world. Committee D of the Section on Business Law at its Conference in Paris in 1995 organized a programme on the subject of arbitration and a workshop on the enforcement of arbitral awards. It organized an alternative dispute resolution session for the Moscow Conference in July 1996 to

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* Under paragraph 1 of this section of the programme, States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee (AALCC), as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, were invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

consider solutions of practical problems encountered in litigation and arbitration in Eastern Europe. Committee D at its workshop on the enforcement of arbitral awards considered a report from the secretariat of the United Nations Commission on International Trade Law (UNCITRAL) on the progress of the joint IBA/UNCITRAL project to develop information on a country-by-country basis with respect to effective implementation of the New York Convention.

35. In 1996, the Steering Committee of PCA approved an interim report, proposing the holding of a high-level diplomatic conference aimed at adoption by the participating States of a commitment to utilize the facilities of PCA, to the greatest extent possible, for the prevention or mitigation of international conflicts and the peaceful settlement of international disputes. The proposed instrument might not be a convention, but a document similar to the Helsinki General Act that would define the circumstances in which the participants might be willing to use the various methods available under the auspices of PCA. The interim report contained three sets of draft procedural rules for arbitration involving international organizations and States, for arbitration involving an international organization and a non-State party, and for conciliation proceedings. The report also contained recommendations of a more general nature, including those aimed at strengthening cooperation with the United Nations and promoting recourse to the PCA system of dispute resolution. The report had been submitted to the Administrative Council and discussed at its March 1996 meeting. At its March 1996 meeting. the Steering Committee discussed, inter alia, possible collaboration with the United Nations in the preparation of a gathering to be held in 1999, on the occasion of the end of the United Nations Decade of International Law, and the 100th anniversary of the First Hague Peace Conference and the establishment of PCA. The Committee also focused its attention on a draft setting forth possible elements of a declaration to be adopted by States participating in the 1999 conference.

36. Several countries made contributions and commitments to the Financial Assistance Fund of PCA enabling qualifying States to meet the costs involved in international arbitration or other means of dispute settlement offered by the Hague Conventions of 1899 or 1907, and others indicated their readiness to do so in the near future. In October 1995, an Asian State-owned enterprise involved in arbitration proceedings under the auspices of PCA submitted a request for financial assistance. This request had been granted in December 1995. A request for financial assistance from an African State was expected to be submitted to the Board of Trustees of the Fund in June 1996. In order to clarify the intended scope of the Fund, the Administrative Council, at its meeting of 11 December 1995, approved an amendment to paragraph 5 of the Terms of Reference and Guidelines, expressly providing that financial assistance might be granted to an institution or enterprise owned and controlled by a State that met the above-mentioned qualifications. The amended text of the Terms of Reference and Guidelines could be found in an annex to the 1995 Annual Report of PCA. Representing PCA as Permanent Observer to the United Nations, the Secretary-General of the Court attended the meetings of the Sixth Committee of the General Assembly in October 1995. On that occasion, he also addressed the meeting of the legal advisers of the member countries drawing their attention to the approach of the year 1999, which would mark the end of the United Nations Decade of International Law, and the centenary of the First Hague Peace Conference and the establishment of PCA. He informed the legal advisers of the

existence of the Steering Committee, and had urged them to reflect, in a timely manner, on the possible scope and content of an international conference to be held in 1999. A draft background paper prepared at the behest of the International Bureau, identifying existing and emerging arrangements for the prevention and settlement of disputes in the field of the environment and sustainable development had been circulated among a working group consisting primarily of government representatives. The working group had been scheduled to meet in the Hague for the first time in June 1996 in order to explore the potential role of PCA in this area. The International Bureau hosted three gatherings at the Peace Palace, each attended by over 200 international lawyers, government lawyers and law professors. A fourth gathering had been scheduled for June 1996. The International Bureau noted a marked increase in requests for information concerning PCA Optional Arbitration Rules, and for assistance in drafting arbitration clauses providing for recourse to PCA, for inclusion in international contracts and agreements.

37. In May 1996, WFM, together with the Danish United Nations Association, initiated the International NGO Campaign for the Third Hague Peace Conference to be held on the occasion of the 100th anniversary of the historic 1899 conference. WFM believed that the United Nations Decade of International Law should culminate in such an intergovernmental conference. The goals of the 1999 Peace Conference, outlined in the proposals of the Russian Federation and the Movement of Non-Aligned Countries, should be given definition and expanded over the next two years in preparatory meetings organized by the United Nations. WFM attached to its report draft resolutions and proposals calling for convening a Third Hague Peace Conference and, inter alia, for the strengthening of the International Court of Justice (or World Court), the adoption of a strong convention on the peaceful settlement of disputes, strengthening international humanitarian law, and - depending on the progress of the current negotiations - the formal establishment of an international criminal court.

38. In 1995, the activity of the Court of ICC continued to increase, with 427 new requests for arbitration received and 855 cases pending at year end. Parties originating from 93 different countries had been involved in the cases submitted to ICC last year. Increased Court activity had been partly attributable to greater use of ICC arbitration in Asia, Central and Eastern Europe, and Latin America. In contrast to the steady growth of ICC arbitrations, there had been relatively little use of the conciliation rules. The ICC publication (No. 447-3) containing the latest version of the ICC Arbitration Rules included general suggestions for optional supplements to the standard clause with regard to such matters as the law governing the contract, the number of arbitrators and the place and language of the arbitration. The ICC International Centre for Expertise together with the secretariat of the ICC Commission on Banking Technique and Practice developed an interim system for resolving letters of credit disputes through expertise. Meanwhile, a tailor-made service was under study by an ad hoc Working Party of the ICC Commission on Banking Technique and Practice in collaboration with the ICC Centre for Expertise. The service would be provided by the Centre for Expertise under the auspices of the ICC's Banking Commission.

C. Encouragement of the progressive development of international law and its codification*

39. The Legal Committee of IMO at its seventy-third session in October 1995 considered a submission which concerned the provision of a mechanism by which coastal States could be assured that all visiting vessels had the means to compensate States for bunker oil damage. This subject had been included in the work programme for 1996 to be considered on a priority basis. The Committee also decided to include in its work programme for 1996 a draft international convention on wreck removal prepared by Germany, the Netherlands and the United Kingdom and to retain the subject of compulsory insurance as one of the priority subjects in the programme.

40. A four-day conference to consider and adopt a number of amendments to the 1974 International Convention for the Safety of Life at Sea (SOLAS 1974), aimed at enhancing the safety of roll-on/roll-off passenger ships, was convened at IMO headquarters in November 1995 and was attended by representatives from 83 Contracting Governments to SOLAS 1974, and by a number of observers. The Conference adopted amendments to several chapters and 14 resolutions. The amendments were expected to enter into force in 1997 under the tacit acceptance procedure.

41. The International Conference on Hazardous and Noxious Substances and Limitation of Liability was convened at IMO headquarters in 1996 and was attended by representatives from 73 States and one Associate Member of the Organization. The following treaty instruments were adopted: International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996) and Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (1996 LLMC PROT). The HNS Convention, and the LLMC Protocol were scheduled to be open for signature at IMO headquarters from 1 October 1996 to 30 September 1997. The HNS Convention, inter alia, defined its scope of application by reference to existing lists of substances. It excluded radioactive materials as well as coal and certain other low-hazard bulk cargoes from its scope of application; it covered pollution damage as well as damage by

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* Under paragraph 1 of this section of the programme, international organizations, including the United Nations system of organizations and regional organizations, were invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General was requested to prepare a report on relevant activities of the United Nations (see sect. III below).

Under paragraph 2 of this section of the programme, States were invited, on the basis of the information mentioned in paragraph 1, to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

fire and explosion, introduced strict liability for the shipowner, higher limits of liability than the present general limitation regimes and a system of compulsory insurance and insurance certificates. The HNS Convention will enter into force after the date on which certain specific conditions will have been fulfilled.

42. The International Conference on Hazardous and Noxious Substances and Limitation of Liability, 1996 (see above), also considered a limited revision of the Convention on Limitation of Liability for Maritime Claims, 1976, and adopted a Protocol with amendments substantially increasing the limitation amounts. The Protocol introduced a so-called tacit acceptance procedure for updating these amounts. The Protocol will enter into force following the date on which 10 States will have expressed their consent to be bound by it.

43. A draft Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, will be considered for adoption by the Contracting Parties to the Convention at a diplomatic conference in October-November 1996 at IMO headquarters. During the review of the London Convention of 1972, a wide range of proposals were evaluated with a view to updating the Convention in the light of new approaches to waste management, pollution prevention and technical cooperation. The package of amendments to the Convention, as embodied in the draft protocol, will supersede the London Convention of 1972.

44. As at May 1996, ILO had adopted 176 conventions and 183 recommendations, the latest instruments being the Safety and Health in Mines Convention (No. 176) and Recommendation (No. 183) and an Additional Protocol to the Labour Inspection Convention (No. 81) concerning labour inspection in the non-commercial services sector. In the 1994-1996 period, some 208 ratifications of conventions had been registered, bringing the total number of ratifications as at 31 May 1996, to 6,268. The agenda of the 83rd session of the ILO Conference (4-20 June 1996) included an item on the adoption of a convention and a recommendation on homework. The 84th maritime session of the ILO (originally convened for January 1996) had been scheduled to be held in October 1996 with an agenda including items for adoption of revised international labour standards on maritime labour inspection, seafarer's wages, hours of work and manning at sea, recruitment and placement of seafarers and additions to the appendix to the ILO Convention on minimum standards in merchant shipping.

45. The progressive development of international law and its codification had been the central focus of the Committee of Legal Advisers on Public International Law (CAHDI) of the Council of Europe, reporting directly to the Committee of Ministers of the Council of Europe. The CAHDI examined many different questions relating to public international law, e.g. the work of the Sixth Committee of the General Assembly; the work of the International Law Commission; State succession in Europe relating to treaties; jurisdictional immunities of States and their property; the law and practice relating to reservations, in particular as regards human rights treaties; the United Nations Decade; debts of embassies and diplomats, the international ad hoc tribunals on the former Yugoslavia and on Rwanda.

46. The Ministerial Meeting convened before the FAO fiftieth anniversary celebration in Quebec, in October 1995, adopted the Fiftieth Anniversary Declaration on Food and Agriculture, also known as the Quebec Declaration. The Declaration reaffirmed the right to food as a fundamental human right, and the vital importance of the sustainable management of plant, animal, forestry and fishery resources. Regarding world fisheries, FAO reported that on 31 October 1995, the FAO Conference had adopted, by resolution 4/95, the Code of Conduct for Responsible Fisheries, applicable to all types of fisheries. The Code was intended to be implemented by States on a voluntary basis. In addition to complementing certain other instruments dealing with the conservation and development of fisheries, the Code would also contribute towards their implementation.

47. FAO's Committee on Agriculture (COAG) held its thirteenth session in Rome in March 1995 devoted, inter alia, to such issues as: follow-up to the United Nations Conference on Environment and Development (UNCED) and the Commission on Sustainable Development (CSD) work on Agenda 21; implementation of the Code of Conduct on the Distribution and Use of Pesticides; and standards for plant quarantine harmonization. The Committee made various recommendations, including a specific proposal to begin collecting views on those parts of the Code which required updating, with the aim of concluding revision of the Code by the turn of the century. At its October 1995 session, the FAO Conference considered and/or adopted a number of documents dealing with various aspects of agricultural development and sustainable agriculture, including the adoption of several phytosanitary measures related to international trade and agreements. In this regard, three sets of standards had been approved: Code of Conduct for the Import and Release of Exotic Biological Control Agents, Guidelines for Pest Risk Analysis, and Requirements for the Establishment of Pest-Free Areas. The Conference also agreed that the International Plant Protection Convention (IPPC) should be updated to bring it into line with the Sanitary and Phytosanitary Agreement. The question of phytosanitary certificates and the possibility of the European Union becoming a contracting party were two of the most important issues.

48. The General Work Programme of ICAO's Legal Committee included: consideration of the establishment of a legal framework for global navigation satellite systems (GNSS); the modernization of the "Warsaw System" and review of the question of ratification of international air law instruments; liability rules which might be applicable to air traffic services providers as well as to other potentially liable parties - liability of air traffic control agencies; and United Nations Convention on the Law of the Sea - implications, if any, for the application of the Chicago Convention, its Annexes and other international air law instruments. In June 1996, the Council decided to include in the General Work Programme of the Legal Committee a further subject "Acts or offences of concern to the international aviation community and not covered by existing air law instruments".

49. ICRC played an active role in the three sessions of the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, which had been held during the period under review. Despite the importance of the two ad hoc tribunals for Rwanda and the

former Yugoslavia in the implementation of humanitarian law, ICRC strongly believed that it should only be a part of a process that would eventually culminate in the establishment of a permanent criminal court. In this regard, ICRC followed the work and particularly examined the definition of war crimes given in the International Law Commission's draft Statute examined by the General Assembly ad hoc Committee on the Establishment of an International Criminal Court, and a draft Code of Crimes against the Peace and Security of Mankind being drawn up by the International Law Commission. ICRC considered that the definition of war crimes should include also violations committed during non-international armed conflicts. Following the recommendation by the Intergovernmental Group of Experts for the Protection of War Victims, endorsed by the XXVI International Conference of the Red Cross and Red Crescent, ICRC had been given the task to prepare a report on customary rules of international humanitarian law applicable to international and non-international armed conflicts and to circulate the report to States and competent international bodies. The study, to be ready in 1999, should aim at least at three objectives: (1) to establish the rules applicable in conflicts where the parties were not bound by the Additional Protocols; (2) to be used in cases before courts and tribunals where only customary law was applicable; and (3) in the evaluation of the proposed jurisdiction of an international criminal court. Experts had taken part in a Conference organized by ICRC in Geneva in June 1996 to discuss the plan of action and some substantive aspects of the study.

50. IBA participated in the work of a study group to develop the Convention on the International Return of Stolen or Illegally Exported Cultural Objects supplementing the 1970 UNESCO Convention in the field of private international law, which had been the subject of a diplomatic conference held in 1995. IBA Council in June 1995 passed a resolution calling for the establishment of an International Criminal Court and at its meeting in June 1996 passed a resolution calling for an African Court of Human Rights to be established along the lines of the draft Protocol finalized under the auspices of the Organization of African Unity. IBA adopted the Cross-border Insolvency Concordat. The Concordat was intended to constitute an interim step until treaties were adopted by States. In its draft form, it had been published in the Annual Survey of Bankruptcy Law (1994) and in Norton on Bankruptcy Law and Practice (Second Edition 1993). The objective of the Concordat was to harmonize cross-border insolvency proceedings; it contained 10 general principles which the Courts and the legal profession could tailor to fit the particular circumstances of any transnational insolvency. IBA also produced a draft international convention on the human genome to serve as a legal framework for advanced genetic research and commercial development; the instrument had been the subject of a formal submission for consideration by the International Bioethics Committee of UNESCO. IBA began work on developing a comprehensive model treaty dealing with a global undertaking to decode the entire human DNA and to make available results of this technological breakthrough to all interested sectors. IBA published in June 1995 a report on harmonization of international competition law enforcement.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

51. A number of seminars, courses and meetings in the framework of ILO relating to the teaching, study and dissemination of international labour standards had been scheduled for 1996-1997.

52. Under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, 201 persons from 83 countries applied for the 1996 Hague Fellowship Programme: 86 from Africa, 39 from Asia and the Pacific, 30 from Latin America and the Caribbean, 13 from the Middle East and 33 from Eastern and Central Europe. In 1996, for the first time since inception of the programme, lawyers from countries in socio-economic transition could participate in the Fellowship Programme. The Selection Committee awarded 18 fellowships.

53. UNDCP scheduled 18 international meetings relevant to drug-related matters including regional legal workshops oriented to helping States overcome legal cooperation problems in this field.

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* Under paragraph 1 of this section of the programme, States and other public or private bodies were encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose*

54. ICRC continued its efforts to encourage introduction of courses on humanitarian law in military academy and university curricula, and launched a pilot school project which should reach an estimated 2.5 million secondary school pupils in 1996 with literature books introducing humanitarian values and teaching respect of the dignity and integrity of the human person.

3. Organization of and participation in international and regional seminars and symposia for experts on international law**

55. UNEP convened several meetings for general development of international environmental law, including the Expert Workshop on Compliance and Implementation of Environmental Treaties, Washington, D.C., May 1996; Expert Group Workshop on International Environmental Law Aiming at Sustainable Development, Washington, D.C., May 1996; Meeting of Senior Government Officials Expert in Environmental Law to Review the Programme for the Development and Periodic Review of Environmental Law, last quarter of 1996.

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* Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 7, cooperation was encouraged among developing countries, as well as between developed and developing countries, in particular among those persons who were involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law.

** Under paragraph 4 of this section of the programme, States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

56. The Office for Democratic Institutions and Human Rights (ODIHR) of OSCE published in 1995 A Collection of International Instruments: Human Rights and the Judiciary. The book set forth certain minimal international human rights standards and contained basic international human rights documents. The publication was intended to serve as a quick reference guide for judges, prosecutors, lawyers, parliamentarians, members of non-governmental organizations and the media. ODIHR had also organized, inter alia, the Second Annual Warsaw Judicial Symposium (June 1995); a seminar on the Changing Role of the Judiciary (Georgia, May 1995; Latvia, June 1995); a seminar on Drafting Human Rights Legislation (Ashgabat, September 1995); and a seminar on the Rule of Law Human Dimension (November 1995) for representatives from all OSCE participating States.

57. The International Court of Justice and UNITAR co-sponsored a colloquium to celebrate the fiftieth anniversary of the International Court of Justice, entitled "Increasing the Effectiveness of the Court". The celebration was held at the Peace Palace in the Hague from 16-18 April 1996 and included most eminent scholars, legal advisers from Governments and judges of the Court. The colloquium focused on the past, present and future work of the Court, highlighting its accomplishments over the past 50 years and providing an opportunity to discuss how the World Court could become more effective and influential in the future. The proceedings of the colloquium will be published and available in both hard and paperback editions.

58. The International Congress/XXth Round Table "United for the Respect of International Humanitarian Law" had been organized in San Remo in September 1995 on the occasion of the International Institute for Humanitarian Law's twenty-fifth anniversary and the fiftieth anniversary of the United Nations. The Comité d'Honneur of the Congress was chaired by the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali. The Congress addressed the following subjects: the work of the United Nations related to the respect of international humanitarian law and fundamental human rights in conflict situations; challenges to refugee protection in conflict and post-conflict situations; and practical means of promoting improved respect of international humanitarian law. Over 170 experts from Governments, international organizations, the Red Cross and Red Crescent Movement and NGOs attended the Congress. The XXIth Round Table "Armed Conflicts and Disintegrated States - Humanitarian Challenge" was scheduled to take place in San Remo, in September 1996. The Institute also organized in June 1995 the Second International Conference on Refugees in Central and Eastern Europe in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Polish Ministry of Interior. The main goal of the meeting was to exchange experiences between Eastern and Central European countries in the field of legal procedures in determining refugee status. The Conference was attended by 51 governmental experts from 21 countries and representatives from several governmental and non-governmental organizations. A seminar on Repatriation - Dialogue between East-West European Countries, Bucharest (June 1996) was organized in cooperation with UNHCR and Romanian institutions. The Institute published the "San Remo Manual on International Law Applicable to Armed Conflicts at Sea" with commentary by Cambridge University Press.

59. The European Court of Human Rights held in 1995, together with the European Commission of Human Rights, an informal meeting with the Presidents of Constitutional and Supreme Courts of the Member States of the Council of Europe to exchange views on the respective responsibilities of national courts and the Strasbourg institutions in the protection of human rights in Europe. In September 1995, the President and a delegation of judges attended in Budapest the Council of Europe's colloquy on the European Convention on Human Rights. This colloquy, taking place every five years, was intended to spread knowledge of the European Convention on Human Rights among practicing and academic lawyers, members of NGOs and civil servants concerned with the working of the Convention and to facilitate a discussion in depth of recent developments with the members of the Commission and the Court.

60. ICAO held a regional legal seminar on air law, attended by States from the Asia and Pacific Region, in Bangkok, in January 1996 to discuss major issues and challenges.

61. ICRC took part in discussions in various international forums on the subject of displaced persons. In 1995, ICRC organized a symposium on internally displaced persons, at which some 70 State representatives and delegates of intergovernmental and non-governmental agencies discussed the operational and legal aspects of the problem. The question of refugees and displaced persons was on the agenda of the 26th International Conference of the Red Cross and Red Crescent.

62. IBA organized a range of conferences and seminars to aid the teaching, study and dissemination of international law and published papers or summaries presented thereon. IBA's Section on Business Laws launched in Paris, in September 1995, a basic course on the fundamentals of international business practice. Workshops were organized in Amsterdam, in New York, in Singapore and in Paris, on the globalization of the legal profession. Copies of IBA's Capital Markets Forum Decision Paper on civil liability of corporate auditors were distributed at an international conference in Geneva attended by government experts.

63. The ICC Court's four regional arbitration groups - Arab, Asia-Pacific, European and Latin American - met during the year. During a conference on international arbitration hosted by the ICC's Spanish National Committee, in Barcelona in January 1996, particular attention was given to the collaboration between State courts, arbitrators and lawyers at the various stages of the arbitration process. A seminar on international arbitration was organized by the ICC's Lebanese National Committee. China's National Enterprise Legal Advisors Association (CNELAA), based in Beijing, hosted in January 1996 a seminar on international arbitration. In November 1995, the ICC Court hosted several colloquia in collaboration with the American Arbitration Association and the International Centre for the Settlement of Investment Disputes. Proceedings of the joint colloquia were published in 1995.

64. In 1995 the Centre for studies and research in international law and international relations of the Hague Academy of International Law concentrated on "Les aspects internationaux des catastrophes naturelles et industrielles" and in 1996 on "State succession: codification tested against the facts".

Furthermore, courses on human rights were organized in the Hague for the benefit of judges or civil servants having responsibilities in the participation of their Governments in the international procedures of human rights protection. These courses were intended for the benefit of Asian and African countries.

4. Training in international law for legal professionals and government officials organized by States and international organizations*

65. The Chilean International Law Society conducted activities to promote the study, research, discussion, advancement and dissemination of international law. It organized conferences and seminars, fostered research, and issued publications. The academic community and the general public participated in these activities. The presentations made at the Society's annual seminars were published in the Society's Estudios which included various specialized articles and recent Chilean case law in the field of international law. Thus far, 10 volumes of Estudios had appeared. The organization published two books: El Tratado de Paz y Amistad entre Chile y Argentina (1988), edited by Rodrigo Díaz Albónico; and a work entitled Solución judicial de controversias. El derecho internacional ante los tribunales internacionales e internos (1995), edited by María Teresa Infante and Rose Cave. The Society also established the Premio Sociedad Chilena de Derecho Internacional, a prize awarded annually to the best thesis submitted to a Chilean faculty of law in completion of the Master's degree in legal and social sciences.

66. The Society took part in the United Nations Congress on Public International Law held in 1995. Subsequently, meetings had been held in Chile to consider the topics discussed, and copies of the papers presented were made available to members.

67. UNDCP carried out seminars to train judges and prosecutors in drug-related matters, and conducted regional legal workshops aimed at helping States to identify and overcome legal problems encountered in cooperation. In 1995, two

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* Under paragraph 5 of this section of the programme, States were encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross were invited to continue cooperation in this respect with States.

Under paragraph 6, and in connection with the training of military personnel, States were encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross.

legal workshops involving 57 justice officials from 32 countries were organized. In 1996, 10 training workshops for judges and prosecutors were scheduled: in Bangladesh and Colombia (April-June); in Myanmar and South Africa (July-September) and in Nigeria, Papua New Guinea, Sri Lanka, Tanzania, West Africa and Zambia (October-December). UNDCP also scheduled 4 workshops on legal cooperation matters in States members of the Association of South-East Asian Nations (ASEAN), Brunei, and between English-speaking West African States, Ghana (April-June); between Central African States, Gabon (July-September); between Portuguese-speaking States of Africa and Latin America (October-December); and a workshop to train legal drafters on drug control issues and legislation for Caucasian States, St. Petersburg, Russia (April-June). In addition, it scheduled expert working groups on UNDCP model legislation, "Licit control of drugs" (March); "Drug trafficking offences" (June) and "Common Law Model" (3rd quarter 1996).

68. The Office for Democratic Institutions and Human Rights (ODIHR) of OSCE jointly organized with UNHCR a Judicial Training Workshop in Belarus in January 1996. The Workshop focused on international standards, group case studies and an overview of the law on refugees of the Republic of Belarus. A professional Training Programme for Russian Judges was held in Moscow in February 1996.

69. UNITAR's training programme in debt and financial management was designed to provide training in legal aspects of debt and financial management in countries of sub-Saharan Africa, the newly independent Central Asian Republics, North and South Asia as well as the Middle East. Subregional seminars and in-depth follow-up workshops would be conducted in the participants' countries to sensitize and/or train senior officials, middle-level managers and lawyers in legal aspects of debt management. The training programme would also establish facilities in selected countries to provide training, on a continuing basis, both nationally and subregionally. The UNITAR/IPA Fellowship Programme in Peacemaking and Preventive Diplomacy offered advanced training in conflict analysis, negotiation and mediation to international and national civil servants and relevant personnel from non-governmental humanitarian organizations. Case material presented by staff and assembled by fellows served as the basis for further research and study to develop a collection of case histories. The goal was to develop a repository of knowledge for use within the Fellowship Programme and more widely within the United Nations and the international community as a whole. Development of materials, such as a Case Handbook on Peacemaking and Preventive Diplomacy had been planned. UNITAR's 1996 Workshop on Procedures for the Settlement of Trade Disputes at WTO, organized on an annual basis for the benefit of members of permanent missions accredited to the United Nations in Geneva, took place in September 1996. The second UNEP/UNITAR/UNCHS Training Programme in Environmental Law and Policy took place at UNEP headquarters in Nairobi, in March-April 1995 and focused on the development and implementation of national legislation and institutional regimes for translating sustainable development policies into action, and on the implementation of international environmental conventions. Some 29 participants including legal as well as environmental policy officers from developing countries and countries with economies in transition took part in the programme. In partnership with IUCN's Commission on Environmental Law, UNITAR launched correspondence instruction as the central component of the programme to reach large numbers of people both in

governmental and non-governmental organizations from countries throughout the world. This self-study programme applied a base-line approach and had been intended to complement existing training efforts in the field.

70. As indicated by the International Institute of Humanitarian Law, five courses on humanitarian law for armed forces had been sponsored by the Italian Government. The total number of participants at the courses increased to 1,851 from 138 countries. The 11th course on international refugee law was organized in San Remo in 1995 under the auspices of UNHCR and in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University (Sweden). Forty-two participants representing 36 countries attended. The 12th Refugee Law Course had been scheduled to take place in San Remo in November 1996.

71. UNEP provided government officials from developing countries with legal training in order to make them familiar with international and national environmental law, including the implementation of the conventions and guidelines concluded under the auspices of UNEP. With a view to providing training in environmental law in more coherent manner, a UNEP training manual on environmental law had been scheduled for publication in 1996.

72. The 1995 general course of the Hague Academy of International Law had been devoted to the topic "International law at the 50th anniversary of the United Nations". Other topics during that year included "The nuclear proliferation regime: assessments and prospects", "L'émergence de l'Etat de droit en tant que principe de droit international" and "From bilateralism to community interest in international law". The general course in 1996 was devoted to the topic "International law and sovereignty of States". Other topics during that year included "The contribution of international trade law to the development of international law", "The relation of International Court to international arbitration" and "The measures adopted by the Security Council under Chapter VII of the Charter of the United Nations".

5. Publication of the practice of States and international and regional organizations in the field of international law*

73. A collection of texts on ILO law on freedoms of association: Standards and procedures was published in 1995; a fourth revised edition of The Digest of decisions and principles of the Freedom of Association Committee of the Governing Body was completed in 1996; a Handbook of Procedures relating to International Labour Conventions and Recommendations was published in December 1995 with a view to offering guidance to Governments and social partners of ILO member States in matters of standard-setting and standard-monitoring procedures. The ILO computer-based information system on ILO Conventions (ILOLEX), updated on an annual basis, would, in future, include all general surveys of law and practice concerning selected international labour

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* Under paragraph 8 of this section of the programme, States and international and regional organizations should endeavour to publish, if they had not already done so, summaries, repertories or yearbooks of their practice.

instruments. The two most recent general surveys related to ILO instruments on termination of employment and non-discrimination in employment and occupation. The Internet ILO home page (http://www.unicc.org/ilo) contained basic information on international labour standards.

74. The Committee of the Legal Advisers on Public International Law (CAHDI) of the Council of Europe set up a Group of Specialists on publications concerning State practice in the field of public international law (DI-S-PR) to study the feasibility of a pilot project on documentation concerning State practice relating to State succession and issues of recognition. The project would constitute a contribution from the Council of Europe to the United Nations Decade. The pilot project was launched in 1994. The last meeting of the DI-S-PR was held in September 1995, when it met with national coordinators. The target groups or users of documentation on State practice would be primarily the executive, legislative and judiciary of member States, international organizations as well as law firms, industry and the academic world.

75. FAO published in 1996 "Reforming Water Resources Policy - A Guide to Methods, Processes and Practices", Number 52 in the Irrigation and Drainage Papers series, laying special emphasis on the legal ramifications of the review and formulation of water policies.

76. The United Nations Dag Hammarskjöld Library is in the process of becoming a member of the Global Legal Information Network (GLIN). GLIN is an automated database of statutes and regulations that originate from countries in the Americas, Europe, Africa and Asia. Official users of the Dag Hammarskjöld Library, including members of the United Nations diplomatic community, will have access to the GLIN database. The Codification Division of the Office of Legal Affairs will undertake to prepare abstracts of legal opinions published in the United Nations Juridical Yearbook as input to the GLIN project.

77. The Codification Division also prepared the fifth edition of the publication The Work of the International Law Commission, which was issued in 1996. Moreover, in order to ensure a wider dissemination of certain publications such as the United Nations Juridical Yearbook and the Report of the International Law Commission, steps have been taken with a view to making them available in electronic form.

6. Publication by States and international organizations of international legal instruments and legal studies*

78. FAO published in 1995 "Treaties Concerning the Non-Navigational Uses of International Watercourses - Asia" (Number 55) in the FAO Legislative Studies series. This publication contained full or partial texts of 39 treaties and agreements on the development, non-navigational use and protection of rivers and

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* Under paragraph 9 of this section of the programme, States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

lakes shared across international boundaries in Asia. In connection with its assistance to member nations, FAO also published in 1995 "Legislation Governing Food Control and Quality Certification" (Number 54) in the above series.

79. UNEP continued to publish and distribute material aimed at the promotion of international environmental law. An updated Register of International Treaties and Other Agreements in the Field of the Environment will be issued in 1996. UNEP published in 1995 a collection of articles concerning environmental law entitled "UNEP's New Way Forward: Environmental Law and Sustainable Development". UNEP continued to publish and distribute texts of the international legal instruments concluded under its auspices. It had published a legislative guidance document entitled "Legislating Chemicals: An Overview". UNEP's "Biannual Bulletin of Environmental Law" contained information relevant to UNEP's activities in the field of international and national environmental law. UNEP and IUCN were planning to develop a database on national and international environment law using the IUCN databank as a basis for such development to serve the needs of Governments of developing countries in this field.

80. As contemplated in General Assembly resolution 49/50, ICRC disseminated the Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict. The Guidelines were intended to help States to promote broad circulation and to consider the possibility of incorporating them in their respective military instruction manuals. ICRC was developing a model manual for the armed forces on the law of armed conflicts primarily designed for use by senior officers with tactical responsibilities. The manual was meant to be a reference tool mainly for the military commander without legal background and therefore to facilitate the incorporation of humanitarian law norms, including protection of the environment, in the operational decision-making process. ICRC also collaborated with the International Institute of Humanitarian Law within a group of legal and naval experts in completing the San Remo Manual on International Law Applicable to Armed Conflicts at Sea, which might be useful for Governments when drafting manuals and other instructions for their naval forces. In September 1995, ICRC opened its World Wide Web site on the Internet, providing information on a wide range of topics relating to conflict and conflict victims, and on the role, activities and concerns of ICRC. Such information is available in the form of press releases, fact-sheets, in-depth articles, illustrated brochures, position papers, etc. The texts of the main treaties of international humanitarian law (the four Geneva Conventions and their two Additional Protocols) are available on the site, together with details about this body of law and related matters.

81. UNESCO published in 1995: Human Rights: Major International Instruments (to be published again before the end of 1996); the third edition of the World Directory of Teaching and Research Institutions in International Law; and Non-Military Aspects of International Security.

82. The Department of Public Information of the Secretariat, in cooperation with the Office of Legal Affairs, produced on a provisional basis a videotape on "International law: our common language" which was shown during the United Nations Congress on Public International Law. A revised version is under preparation.

83. The United Nations International Law Commission through the Codification Division of the Office of Legal Affairs plans to publish a collection of essays on public international law by members of the International Law Commission as a contribution to the United Nations Decade of International Law.

7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof*

84. The Court of Justice of the European Communities continued to ensure an adequate dissemination of its case law through systematic publication, in the 11 official languages of the Community, of the text of the decisions and of the opinions of the Advocates General, as well as through the participation of its members, as appropriate, in meetings, conferences, symposiums etc. The Court was regularly visited by national judges from Member States and from non-Member States and by numerous groups of academics and scholars. The purpose of those activities had been to provide all those interested with a better knowledge of Community law as seen through the Court law.

85. The Inter-American Court of Human Rights published all the advisory opinions, judgements and provisional measures of the Court, as well as its Annual Report containing a summary of all of the Court's work for that year. The publications were available to interested parties free of charge at their written request. Some publications would also be available on diskettes. During the last two years, the Court had undergone a massive electronic upgrading, including computerization and E-mail access. The Court had all its judgments, advisory opinions, provisional measures, general information, and press releases on the Internet (http://www.umn.edu/humanrts). The Court also had a similar Internet window within the OAF system itself, providing, free of charge, a brief description of all the cases and general information on the Court. Three projects regarding publication of summaries, indexes and analysis of Court's decisions had been under preparation.

86. The judgements of the European Court of Human Rights were normally available in about six months after the date of delivery, though a provisional version was normally issued on the date of delivery and obtainable from the Human Rights Information Centre. In future, the texts of judgements would be available on the Internet. All judgments were also accessible in full text on

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* Under paragraph 10 of this section of the programme, the Secretary-General of the United Nations, in cooperation with the Registry of the International Court of Justice, was encouraged to update the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991), in all the official languages of the Organization and within the existing overall level of appropriations.

Under paragraph 11, international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, were invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

the HUDOC database with full-text search facilities. The registry of the Court had been preparing an index by articles and keywords, which would appear shortly. The Council of Europe's publication entitled "Judgments of the European Court of Human Rights: Reference Charts" contained lists of judgments by chronological order, by respondent State and by Convention Article. The Court started to issue an annual collection of the summaries. The 1994 and 1995 volumes had already appeared. Summaries of the Court's judgements appeared also in the collection of press releases of the Court as from 1993, as well as in publications of the Council of Europe (such as the Yearbook of the European Convention of Human Rights, the Information Sheets of the Human Rights Information Centre, the Digest of Strasbourg Case Law and the Bulletin on Constitutional Law of the Venice Commission). The Court issued an annual Survey of Activities. A special volume covering the period 1959-1994, "Survey: Thirty Five Years of Activity" was published in 1995.

87. Volume XX of the Reports of International Arbitral Awards, prepared by the Codification Division of the Office of Legal Affairs, was issued in 1996.

8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and the United Nations Juridical Yearbook*

88. An updated, three volume set of ILO Conventions and recommendations would be published shortly in English. A French version would follow later in 1996. The computer-based information system on ILO Conventions and Recommendations (ILOLEX) and the work of ILO supervisory bodies has been expanding since its creation in 1992 and contains over 64,000 documents. The latest version of ILOLEX was completed in May 1996.

89. Major legal instruments and decisions of the contacting parties of WTO and its predecessor, the General Agreement on Tariffs and Trade (GATT), have been

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* Under paragraph 12 of this section of the programme, international organizations were requested to publish treaties concluded under their auspices, if they had not yet done so. Timely publication of the United Nations Treaty Series was encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook was also encouraged.

By paragraph 4 of General Assembly resolution 50/44, the Assembly strongly welcomed the recent advances made by the Treaty Section of the Office of Legal Affairs in its programme of computerization of the Multilateral Treaties Deposited with the Secretary-General and the United Nations Treaty Series and looked forward to the early effective availability of the former on the Internet and the latter on-line to Member States and other users.

By paragraph 9 of the above resolution, the Assembly encouraged the Office of Legal Affairs to continue in its efforts to bring up to date the publication of the United Nations Treaty Series and the United Nations Juridical Yearbook.

published through the Basic Instruments and Selected Documents (BISD) series since 1952. The latest supplement (No. 40) was published in November 1995. As a guide to the legal interpretation and application of the General Agreement, and as a repertoire of GATT practice and drafting history, an Analytical Index: Guide to GATT Law and Practice has been published, the latest being the 1995 edition. WTO has published the Legal Texts of the Results of Uruguay Round of Multilateral Trade Negotiations, and in separate volumes, the Schedules of Concessions and Commitments annexed to GATT 1994; Schedules of Specific Commitments annexed to the General Agreement on Trade in Services; and the texts of the Plurilateral Trade Agreements. In August 1995, it published a Collection of the Legal Texts on the WTO Dispute Settlement Procedures.

90. Efforts have continued to be made to eliminate the backlog in the publication of the United Nations Juridical Yearbook. The 1990 and 1986 editions came out in 1993 and 1994, respectively, and the 1991, 1992 and 1987 editions are in the press. The calendar of production of subsequent editions provides for submission of the 1993 edition by the end of 1996, the 1994 and 1988 editions in 1997 and the 1989 edition in 1998. This calendar, under which work proceeds simultaneously at both ends, will, it is to be hoped, make it possible to bridge the gap and eliminate the backlog by the end of 1998, while at the same time keeping readers of the Yearbook abreast of contemporary developments. It should be noted that the 1993 edition will also contain an index. In addition, a cumulative index for the period 1960-1993 is under preparation including an index of Chapter VI (Selected Legal Opinions of the Secretariat of the United Nations and Selected Intergovernmental Organizations). When completed, it will facilitate considerably the use of the Yearbook.

91. The Treaty Section of the Office of Legal Affairs provides a range of advice and assistance to United Nations agencies, missions and other entities on issues relating to treaty law and technical aspects of treaties. The number of multilateral treaties deposited with the Secretary-General stands at 474. There were over 40,000 treaties submitted for registration in accordance with Article 102 of the Charter. The Treaty Section is progressively implementing a comprehensive computerization programme to facilitate the effective dissemination of treaty information from the United Nations Treaty Database through global electronic gateways. Multilateral Treaties Deposited with the Secretary-General is now available in electronic format, is updated on a daily basis and is made available with full text search and retrieval capability within the United Nations on the LAN. In addition, it is available on the Internet at address: http://www.un.org/Depts/Treaty. Currently over 750 users access over 3,500 pages of this document per week. It continues to be published in hard copy in English and French. Fifteen hundred volumes of the United Nations Treaty Series (UNTS) have been converted into electronic image format, stored on optical disc, electronically indexed, and are now retrievable on the LAN. United Nations Treaty Series Cumulative Index along with the League of Nations Treaty Series will also be converted into this format in 1996. An electronically searchable full-text index is being developed and the Electronic Services Division is testing mechanisms to provide external on-line access to this database with the facility to charge a user fee from certain users. The United Nations is also exploring the possibility of using external service providers to vastly extend this service. A work flow system is being developed to reduce processing time for treaties being submitted to and registered with

the Secretariat, and to expedite the publication process. The new system will replace the antiquated registration system designed in 1973 which is currently running on a mainframe computer and historical treaty data will be converted from the mainframe to the new database. The work flow system will facilitate the publication of the United Nations Treaty Series through desktop publishing which will result in significant staff and expenditure savings. The publication momentum could be further enhanced if the speed of translations were to be increased.

E. Procedures and organizational aspects

1. Role of the Sixth Committee of the General Assembly of the United Nations

92. No specific comments have been received under this heading.

2. Proceedings of the United Nations Congress on Public International Law*

93. The manuscript of the proceedings of the Congress, after being prepared by the Codification Division of the Office of Legal Affairs, was sent to an external publisher and is scheduled for publication in the course of this year.

3. Establishment of national, subregional and regional committees for implementation of the programme**

94. No specific comments have been received under this heading.

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* By paragraph 3 of General Assembly resolution 50/44, the Assembly expressed its appreciation to the Secretary-General for the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, noting with satisfaction that the Congress had emphasized the importance of all aspects of international law and focused on the four main purposes of the Decade, as well as on new challenges and expectations for the twenty-first century, and requested the Secretary-General, within existing resources, to make the proceedings widely available.

** Under paragraph 5 of this section of the programme, States were encouraged to establish, as necessary, national, subregional and regional committees which might assist in the implementation of the programme for the Decade.

4. Question of the provision of adequate financing for the implementation of the programme for the Decade*

95. The Governments of Cyprus, Denmark, Finland, Hungary, Iceland, Japan, Norway and Switzerland made voluntary contributions to the United Nations Trust Fund for the International Law Seminar in Geneva. Some of these Governments indicated that they thus intended to contribute to the implementation of goals and the carrying out of activities relating to the United Nations Decade of International Law.

III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

A. The law relating to human rights

96. Currently, the Commission on Human Rights is working, on the basis of a study and a draft body of principles elaborated by the Subcommission, on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms; it is also working on a declaration on the rights of indigenous peoples on the basis of a draft adopted by the Subcommission. The Commission is, moreover, elaborating a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of regular visits to places of detention. It is also working on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on an optional protocol to the same Convention on the sale of children, child prostitution and child pornography. The Commission is further considering the question of the elaboration, on the basis of a study prepared by the Subcommission, of a third optional protocol to the International Covenant on Civil and Political Rights aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, as well as the question of minimum humanitarian standards.

97. The Subcommission is elaborating basic principles and guidelines concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms as proposed by its Special Rapporteur, Mr. Van Boven, and studying such questions as human rights and the environment, housing rights and forcible population transfers.

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* Under paragraph 6 of this section of the programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

98. The Commission on the Status of Women is continuing its work on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that would introduce the right of individuals to petition the treaty's monitoring body in cases of violations of the Convention.

B. The law relating to disarmament

99. The first phase of the Review Conference of the parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which ended on 12 October 1995, adopted an additional protocol prohibiting the use and transfer of blinding laser weapons. The resumed session of the Conference ended on 3 May 1996 with the adoption of an amended Protocol II. The chief areas of amendment of the "Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 (Protocol II as amended on 3 May 1996)" were as follows: the scope of application was extended to include armed conflicts not of an international character; the scope of the prohibitions or restrictions was also extended to include the use of anti-personnel mines which were not detectable, not self-destructing and not self-deactivating, with provision for possible deferral of compliance for a period of nine ears from the date of entry into force of the Protocol, and the transfer of mines, the use of which was prohibited; the Protocol was expanded to include articles on technological cooperation and assistance, protection of United Nations peacekeeping, humanitarian or fact-finding missions, missions of the International Committee of the Red Cross and other humanitarian missions and missions of enquiry, and consultations, to be implemented through annual conferences.

100. The Conference on Disarmament continued its negotiations on a comprehensive nuclear-test-ban treaty. As of 28 June 1996, a draft text was given to delegations for consultations in their respective capitals. Negotiations on the treaty were scheduled to resume on 29 July 1996.

101. The Disarmament Commission on 7 May 1995, adopted by consensus the document "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991". The Guidelines deal with the general subject-area of international arms transfers, but focus on the problem of illicit arms trafficking.

C. The law relating to outer space

102. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space is currently continuing, inter alia, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, as well as its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried

out for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

D. The law relating to economic development

103. The Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, at its eighth session, held at London on 9 and 10 October 1995, considered the possible review of the 1952 International Convention for the Unification of Certain Rules Relating to the Arrest of Seagoing Ships. The group started to consider a set of revised draft articles prepared by the secretariats of UNCTAD and IMO and decided to continue with its consideration at its next session which is to be held at UNCTAD, Geneva, from 2 to 6 December 1996.

E. The law relating to international trade

104. The United Nations Commission on International Trade Law adopted at its twenty-ninth session the UNCITRAL Model Law on Electronic Commerce. The Model Law aims at facilitating electronic data interchange and related means of communication.

105. At the same session, the Commission adopted the UNCITRAL Notes on Organizing Arbitral Proceedings, the purpose of which is to assist arbitration practitioners by listing and briefly describing questions on which appropriately timed decisions on organizing arbitral proceedings may be helpful.

106. UNCITRAL is also continuing work on electronic transport documents, cross-border insolvency, receivables financing and build-operate-transfer projects.

F. The law relating to crime prevention and criminal justice

107. The Commission on Crime Prevention and Criminal Justice is considering the question of the elaboration of a convention or conventions on organized transnational crime and a convention against illicit trafficking in children. At its fifth session, the Commission recommended the adoption by the General Assembly of a draft resolution on action against corruption. According to the draft, the General Assembly would adopt an international code of conduct for public officials and request the Secretary-General to elaborate an implementation plan. The code would include provisions related to general principles, conflicts of interest and disqualification, disclosure of assets, acceptance of gifts or other favours, confidential information and political activity. The Commission also recommended the adoption by the General Assembly of a United Nations Declaration on Crime and Public Security. According to the draft resolution, the Assembly would urge Member States to take all appropriate measures at the national and international levels to combat serious transnational crime and to make every effort in order that the Declaration becomes generally known and is observed and implemented in accordance with national legislation. The text of the Declaration would include 11 articles in which Member States would proclaim to protect the security and well-being of

their citizens and all persons within their jurisdiction by taking effective national measures to combat serious transnational crime, and pledge their mutual cooperation in those efforts.

G. The law relating to environment

108. Furthering development of international environmental law continued to be one of the major programme areas of UNEP, as identified in its Governing Council decision 18/1 of 26 May 1995. Its activities were carried out through the implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II). The Programme was elaborated by Governments on the basis of relevant elements of Agenda 21, and adopted by the Governing Council of UNEP at its seventeenth session in May 1993 as the broad strategy for UNEP's work in the field of environmental law.

109. UNEP convened two sessions of a workshop on international environmental law aiming at sustainable development in November 1995 and May 1996. At its second session, the workshop considered the first draft position paper for international environmental law aiming at sustainable development and a detailed outline of a feasibility study concerning new international environmental instruments aiming at sustainable development. Its third session to conclude its work is expected to take place in October 1996.

110. UNEP, together with FAO, convened the first session of Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC/PIC) in Brussels in March 1996. On the basis of the work done by the UNEP Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines, the INC/PIC considered possible elements for the future legally binding instrument. The second session of the INC/PIC will be convened in Nairobi in September 1996.

111. Regarding protection of the marine environment, UNEP, in October/November 1995, in Washington, D.C., convened an intergovernmental conference that had adopted the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. The Global Programme of Action provided norms, principles and certain procedures for Governments to protect the marine environment from land-based activities. The Global Programme of Action identified, among other things, the need for international action to develop a global, legally binding instrument for the reduction and/or elimination of emissions and discharges, whether intentional or not, and, where appropriate, the elimination of the manufacture and the use of, and illegal traffic in, the persistent organic pollutants. UNEP, in conjunction with the Inter-Organization Programme for the Sound Management of Chemicals, initiated an assessment process concerning those substances in November 1995, which continued into 1996 and was expected to lead to recommendations and information on international action to be considered by the Governing Council of UNEP and the World Health Assembly not later than in 1997, including such information as would be needed for a possible decision regarding an appropriate international legal mechanism on persistent organic pollutants.

112. With regard to the development of regional instruments, UNEP has been facilitating the development of a possible regional agreement on the protection and sustainable use of the environment of the Caspian Sea.

113. UNEP convened, in September 1995 and May 1996, two additional sessions of an expert group on liability and compensation for environmental damage arising from military activities, following its first session in February 1995. The group was convened within the general framework of the Montevideo Programme II, with the purpose of providing a substantive contribution to the work of the United Nations Compensation Commission (UNCC) established in April 1991 by Security Council resolution 687 to hear claims, including environmental claims, arising from Iraqi invasion in Kuwait. The meeting provided the recommendations on major areas of liability and compensation for environmental damage, specifically as they related to the work of the UNCC. The outcome of the meeting also contributed to general development of international law concerning liability and compensation for environmental damage as called for in the 1972 Stockholm Declaration on the Human Environment and the 1992 Rio Declaration on Environment and Development.

114. UNEP continued an empirical study on the linkage between international environmental agreements and international trade rules, with the focus on trade measures contained in the environmental conventions administered by UNEP.

115. UNEP planned to convene, around the end of 1996, a meeting of senior government officials expert in environmental law to review the Programme for the Development and Periodic Review of Environmental Law for the 1990s in light of the further development of international environmental law aiming at sustainable development. The outcome of the meeting is expected to be reviewed by the Governing Council at its nineteenth session to be held in January/February 1997 in order to provide further guidance to UNEP's action in the field of international environment law till the end of the present decade.

H. The law of the sea

116. Steps continued to be taken in 1996 towards the establishment of the three institutions created by the United Nations Convention on the Law of the Sea: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. Meanwhile, following the entry into force of the Convention, the Secretary-General reported for the first time on developments relating to the Convention as required under article 319.

117. Two meetings of the Assembly of the International Seabed Authority were scheduled during 1996. At the first meeting, held from 11 to 22 March, the Assembly devoted substantial time to the composition and election of members of the Council, and was finally successful in reaching a solution to the allocation of seats and electing the Council. 2/ The Council is one of the two main organs of the Authority, the other being the Assembly. The Assembly consists of all the parties to the Convention as well as all those States which have agreed to the provisional application of the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea. 3/ The

Council consists of 36 members, reflecting four main elements: States with a special interest in deep seabed mining, such as the largest consumers or largest producers of the categories of minerals to be mined from the seabed; States that have pioneered large investments and activity in the international seabed area; developing countries with special interests, such as land-locked or populous States; and an equitable geographical representation, as well as a balance between developed and developing States. Also during its March meeting, the Assembly elected the first Secretary-General of the Authority, Mr. Satya N. Nandan (Fiji). 4/ The Assembly is expected to devote its attention during its second meeting, to be held from 5 to 16 August, to election of a finance committee, the consideration of the draft budget of the Authority for 1997, the adoption of the rules of procedure of the Council, as well as the election of the next President of the Assembly and the President of the Council.

118. Two meetings of States Parties to the Convention were scheduled for 1996, to deal, inter alia, with organizational matters and practical arrangements for the establishment of the Tribunal. At the first meeting held in March 1996, 5/ the Parties reviewed and adopted the budget of the Tribunal for the period August 1996 to December 1997. The meeting of States Parties also considered the revised "Draft agreement on the privileges and immunities of the International Tribunal for the Law of the Sea", but was unable to complete its review of the draft. At its second meeting, held from 24 July to 2 August, the Parties elected the members of the Tribunal and continued their review of the draft on privileges and immunities. While the members of the Tribunal are expected to begin their organizational work on 1 October, the inauguration of the Tribunal and the swearing-in of the members is scheduled for a ceremony to be held on 18 October at Hamburg.

119. The third institution envisaged under the Law of the Sea Convention is the Commission on the Limits of the Continental Shelf. At a meeting of States Parties held in November-December 1995, it was decided to postpone the election of the members of the Commission until March 1997. The meeting of States Parties was expected to further discuss matters related to the establishment of the Commission at its July-August meeting.

120. In accordance with article 319 of the Convention and pursuant to General Assembly resolution 49/28, the Secretary-General submitted in 1996 a report, 6/ to all States Parties, the International Seabed Authority and competent international organizations, on issues of a general nature that had arisen with respect to the Convention. The report provided a summary of developments related to the Convention, and highlights important developments, as well as emerging issues which warrant consideration by States Parties or international organizations.

I. Work of the International Law Commission

121. At its forty-eighth session the Commission considered all the items on its agenda.

122. The Commission adopted a set of 20 articles constituting the draft Code of Crimes against the Peace and Security of Mankind and commentaries thereto.

After having considered various forms which the draft Code could take, the Commission recommended that the General Assembly select the most appropriate form which would ensure the widest possible acceptance of the draft Code.

123. The Commission also completed on first reading a set of 60 draft articles (with annexes) on State responsibility. The Commission decided to transmit the draft articles to Governments for comments to be submitted to the Secretary-General by 1 January 1998.

124. Regarding the topic of State succession and its impact on the nationality of natural and legal persons, the Commission set out its recommendations to the General Assembly regarding the Commission's plan and approach to be followed on that topic in its future sessions.

125. Concerning the topic of international liability for injurious consequences arising out of acts not prohibited by international law, the Commission decided to transmit the report of the Working Group on the subject (consisting of 27 draft articles and commentaries thereto) to the General Assembly for comments.

126. With respect to the topic of the law and practice relating to reservations to treaties, the Special Rapporteur introduced his second report and the Commission decided to examine it at its next session.

127. In response to paragraph 9 of General Assembly resolution 50/45, the Commission adopted a set of recommendations and conclusions pertaining to the procedures of its work.

128. As regards its long-term programme of work, the Commission, inter alia, set out a general outline of the main legal problems raised by three of the possible future topics which in the view of the Commission are ready for codification and progressive development, namely "Diplomatic protection", "Ownership and protection of wrecks beyond the limits of national maritime jurisdiction" and "Unilateral acts of States".

J. Work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

129. At its 1996 session, the Special Committee continued its work on the basis of the mandate set out in paragraph 4 of General Assembly resolution 50/52 of 11 December 1995. The Committee continued its work on the question of the implementation of Charter provisions related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. In the area of peaceful settlement of disputes between States, the Committee continued its consideration of a proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes. The sponsor delegation of such proposal indicated that it would submit a revised text at the next session of the Special Committee. In addition, the Committee started its consideration of proposals concerning the Trusteeship Council. Among proposals regarding the identification of new subjects for consideration in the Special Committee, the Committee discussed the proposal entitled "Draft

declaration on the basic principles and criteria for the work of the United Nations peace-keeping missions and mechanisms for the prevention and settlement of crises and conflicts".

K. Work of the Sixth Committee

130. Regarding the progressive development of international law and its codification, the General Assembly, at its fiftieth session, on the recommendation of the Sixth Committee, adopted and opened for signature or accession the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (resolution 50/48 of 11 December 1995, annex), prepared by the United Nations Commission on International Trade Law.

131. The General Assembly, on the recommendation of the Sixth Committee, also approved the United Nations Model Rules for the Conciliation of Disputes between States (resolution 50/50 of 11 December, annex), elaborated within the framework of the Special Committee on the Charter. The Assembly decided to draw to the attention of States the possibility of applying the Model Rules, whenever a dispute has arisen between States which it has not been possible to solve through direct negotiations and requested the Secretary-General, to the extent possible and in accordance with the terms of the Model Rules, to lend his assistance to the States resorting to conciliation on the basis of those Rules.

132. As regards the implementation of Charter provisions related to assistance to third States affected by the application of sanctions, the General Assembly underlined the importance of consultations under Article 50 of the Charter with affected third States and of early and regular assessments of the impact of sanctions on such States, invited the Security Council to consider ways for increasing the effectiveness in the consideration of requests by affected countries for assistance, in the context of Article 50, and strongly recommended to the Council to further enhance the functioning and transparency of the sanctions committees. The Assembly also requested the Secretary-General, within existing resources, to ensure that the Security Council and its sanctions committees are able to carry out their work expeditiously, and to make appropriate arrangements in the relevant parts of the Secretariat, in order to carry out, in a coordinated way, a number of functions to that end (resolution 50/51 of 11 December 1996).

133. As regards the establishment of an international criminal court, the General Assembly decided, on the recommendation of the Sixth Committee, and taking note of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, including the recommendations contained therein, to establish a preparatory committee open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries. The Assembly also decided that the work of the Preparatory Committee should be based on the draft statute

prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by States to the Secretary-General on the draft statute for an international court pursuant to paragraph 4 of General Assembly resolution 49/53 of 9 December 1994 and, as appropriate, contributions of relevant organizations (resolution 50/46 of 11 December 1995). The Preparatory Committee met from 25 March to 12 April and from 12 to 30 August 1996 (for its report, see A/51/28).

134. With respect to the measures to eliminate international terrorism, the General Assembly, on the recommendation of the Sixth Committee, inter alia, reaffirmed the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60, and called upon all States to contribute to the further development of international law on this matter (resolution 50/53 of 11 December 1995).

135. Concerning the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, the General Assembly, on the recommendation of the Sixth Committee, decided to bring the draft articles prepared by the International Law Commission on the subject to the attention of Member States, together with the observations made by them during the debates of the Sixth Committee, including the report of the Vice-Chairman of the Committee at the forty-seventh session of the Assembly, and to remind Member States of the possibility that this field of international law and any further developments within it may be subject to codification at an appropriate time in the future (decision 50/416 of 11 December 1995).

136. Pursuant to General Assembly resolution 49/52 of 9 December 1994, the Sixth Committee will convene from 7 to 25 October 1996 as a Working Group of the Whole to elaborate a Framework Convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission on the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session (1994) of the General Assembly. Informal consultations on this subject were held in April 1996.

Notes

1/ The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

2/ See ISBA/A/L.8 and Corr.1.

3/ Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by the General Assembly on 28 July 1994 (resolution 48/263).

4/ ISBA/A/L.9.

5/ SPLOS/8.

6/ SPLOS/6.